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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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CISCO SYSTEMS, INC.,

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Plaintiff,

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vs.

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ARISTA NETWORKS, INC.,

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Defendant.

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CASE NO. 5:14-cv-5344-BLF

**AMENDED [PROPOSED] ORDER
GRANTING CISCO SYSTEMS, INC.'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Judge: Hon. Beth Labson Freeman

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1 The Court, having considered the written submissions of the parties, argument, and all
 2 evidence submitted to the Court for purposes of Plaintiff Cisco Systems, Inc.'s ("Cisco") Motion
 3 for Partial Summary Judgment, hereby ORDERS THAT:

4 (1) Cisco owns a valid copyright in Cisco CLI (a set of original expressions related to
 5 Cisco's unique command-line interface, including original multi-word command line expressions;
 6 original hierarchies, modes, prompts, command responses, screen displays, and help screens in its
 7 user interface; and original technical documentation like user guides and manuals available to
 8 those who use its command-line interface) which is copyrightable as original to Cisco.

9 (2) Arista copied verbatim, as set forth in Exhibits A1-A6 hereto:

10 508 of Cisco's multi-word command-line expressions (Exhibit A1);

11 452 of Cisco's help descriptions (Exhibit A2);

12 42 of Cisco's command responses/outputs (Exhibit A3);

13 531 passages from Cisco technical documents (Exhibit A4)

14 9 Cisco modes and 9 Cisco prompts (Exhibit A5); and

15 11 Cisco command-line hierarchies (Exhibit A6).

16 Without prejudice to Cisco's ability to prove additional copying by Arista at trial, Cisco has
 17 therefore proven the copying element of its copyright infringement claim.

18 (3) Arista cannot establish a fair-use defense to its copying of Cisco CLI.

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21 Dated: _____

By: _____

HON. BETH LABSON FREEMAN
 UNITED STATES DISTRICT JUDGE

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